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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,375	02/23/2004	Pal Takacsi-Nagy	BEAS-01389US1	8905
23910	7590	11/20/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			VO, TED T	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,375	Applicant(s) TAKACSI-NAGY, PAL	
	Examiner Ted T. Vo	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/19/04, 1/24/05, 3/7/05, 4/1/05, 5/1/06, 9/2/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 02/23/2004.

Claims 1-28 are pending in the application.

Information disclose statement

2. All the citations and their contents listed in the copies submitted under the PTO 892 will not be considered.

Specification

3. All blanks within texts in this specification require to be clarified when the information is available.

The drawings 2 and 3 of this specification are program listings that fail to comply with 37 CFR

1.96(b)(1):

Drawings. If the listing is submitted as drawings, it must be submitted in the manner and complying with the requirements for drawings as provided in § 1.84. **At least one figure numeral** is required on each sheet of drawing.

Accordingly the Specification and Drawings are objected to. Pursuant to 37 CFR 1.96 is required.

Claim objections

4. It is respectfully requested for correcting punctuations used in the claims.

For example, see claim 7.

Further checking for punctuations is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-28: Claims 1-28 which have the following claimed words and the use of the claims in the claimed context are unclear: *"existing programming language"*, *"extending said existing programming"*, *"adding work flow constructs to the existing language"*.

For example: *"selecting an existing programming language, and extending said existing programming by adding work flow constructs to the existing language"*. The limitation "existing programming language" used in the context of the claim is unclear. It should be noted "Fortran", "C", "Basis", or "Java", or even "Html" is an existing programming language. If take "Java" be an "existing programming language", what is the meaning of add something in the word "Java" or even "its instructions" ?

Furthermore,

using "A method", "A computer-readable medium", "A system", or "A computer programming product", in dependent claims will fail to define dependency of the claims. It should amend the dependent claims using "The", instead.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. The claims 1-14, 16-28 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

A claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The claimed invention cannot be a program or signal per se that covers a non-concrete or non-tangible subject matters.

As per Claims 1-6: Claims 1-6 recite methods. However, the claim is mere manipulation of two string entities that does not cause any transformation. Even if the strings are tangible in a computer it fails to physically transform outside the computer for which a practical application. If the strings are written as single program on paper, its results is not tangible, but a program per se.

Therefore, the methods of claims are manipulating a mere abstract idea, and do not meet the statutory requirement.

As per Claim 23: See the rationale addressed in Claims 1-6.

As per Claims 7-11: Claims 7-11 clearly fails to meet 35 USC 101 statutory. The claim language merely recite a method for utilizing a workflow language. It clearly admits itself producing nothing. Thus, the claims do not produce any practical, concrete and tangible result as required of a statutory method. The steps inside the methods thus are manipulating a mere abstract idea.

As per Claims 26-27: See the rationale addressed in Claims 7-11.

As per claim 12: Claim defines a "Computer readable medium". A medium only comprises data/information. How can it comprises "*means for extending said existing programming language by*

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adding workflow constructs defined by a second language to said existing programming language. This limitation is an abstract idea.

As per claim 13: Claim defines a "Computer program product for execution by a server computer". The language used in the claim fails to limit the product as a concrete element. The phrase "for execution by a server computer" is only an intended purpose. For example, A program written in a paper" is also for execution by a computer. The product of this claim thus a mere software without tangible embodied. . It should be noted that claim software, signal, or program per se will not produce concrete and tangible. The elements within the software, program are only descriptive materials that will not meet under the 35 USC 101.

As per claim 28: Claim defines a "Computer program product" is a mere software. See rationale address in Claim 13 above.

As per claim 14: Claim define a generic system without limitations in the system identified itself a concrete or tangible system. Describing a system in general is claiming a non statutory elements, i.e. the system are non-tangible elements. such a system is a program per se or covers an abstract idea.

As per claims 17-22, 24-25: Claim define a generic system without limitations in the system identified itself a concrete or tangible system. Describing a system in general is claiming a non statutory elements, i.e. the system are non-tangible elements. such a system is a program per se or covers an abstract idea.

As per claim 16: This claim defines a signal per se. Claiming signal per se fails to be statutory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by A standard Microsoft Operating Windows embedded a standard word editor like .txt, .doc, etc. and a user programs within the computer system.

Note: All information for Microsoft windows and the languages such as Java, and XML are well known and available before the filing date of these instant claims.

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: A text editor embedded in a Microsoft Windows allowing a user to edit program files discloses, *A method for creating a workflow language, comprising the steps of: selecting an existing programming language; and, extending said existing programming language by adding workflow constructs to the existing language.*

The means for taking a Java program in a text file and XML/HTML in another text file within a standard Windows of Microsoft operating Windows, a user who uses the means, for example using cut/paste/copy within these programs will read and disclose all limitations of the claim.

As per Claim 2: *A method according to claim 1, wherein: the step of extending said existing programming language by adding workflow constructs further comprises embedding constructs defined by a second language in the existing programming language.*

Take the Java program in the text file merge it the XML/HTML instructions in another text file within a standard Microsoft operating Windows, the means of the user who uses these programs with cut/paste/copy will reads all limitations of the claim.

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As per Claim 3: *A method according to claim 1, wherein: the workflow constructs are selected from the group consisting of parallelism, asynchrony, loops over asynchronous events, and flexible language handling.*

Using any current constructs of XML/HTML and using within a standard Microsoft operating Windows, the means of the user who operates under this standard Microsoft Windows reads all limitations of the claim.

As per Claim 4: *A method according to claim 1, wherein: the existing programming language is Java.*

Java program in the text file and XML/HTML in another text file using within a standard Microsoft operating Windows will read all limitations of the claim.

As per Claim 5: *A method according to claim 2, wherein: the second language is XML.*

Java program in the text file and XML/HTML in another text file using within a standard Microsoft operating Windows will read all limitations of the claim.

As per Claim 6: *A method according to claim 1, further comprising: allowing a user to define a virtual program with the extended programming language.*

Means of a user operating the Windows who uses cut/paste/copy and the editor as discussed will read all limitations of the claim.

As per Claim 7: A text editor, a standard Microsoft Windows such as Windows NT, or 96, and program files, embedded in the Microsoft Windows file system, the standard windows such as Windows NT, or 96, disclose this claim, *A method for utilizing a workflow language, comprising:*

creating a workflow definition using a workflow language (a user utilizes the editor), wherein the workflow language comprises existing programming language extended with workflow constructs defined by a second language (A user utilizes definition of XML/HTML). (Note: claim ends this limitation with ".")
creating a workflow program comprising of said workflow definition (A user utilize the editor and his knowledge of programming).

As per Claim 8: The text editor embedded in a Microsoft Windows discloses this claim,

A method according to claim 7, wherein: said workflow definition is added to an annotation of the workflow program (the text editor allows a user to add annotation).

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As per Claim 9: The text editor embedded in a Microsoft Windows discloses this claim, *A method according to claim 7, wherein: said workflow definition further comprises flow logic that references the variables of the workflow program* (the syntax and instructions of a given programming language guides user).

As per Claim 10: The text editor embedded in a Microsoft Windows discloses this claim, *A method according to claim 7, wherein: said workflow definition further comprises flow logic that references the methods of said workflow program* (Language such as XML comprises flow logic that references the methods under tags and attributes).

As per Claim 11: The text editor embedded in a Microsoft Windows discloses this claim, *A method according to claim 7, further comprising: providing ability for said workflow program to go dormant; and, providing ability to revive said dormant workflow program to the exact state the workflow program was in before going dormant.* All windows operating of a standard Windows allows to go dormant and to revive the dormant of text in a program.

As per claims 18-22: A computer of a user installed with standard Microsoft Windows discloses the claims 18-22: See rationale addressed in Claims 7-11 above.

As per Claims 12-14: The hard drive that stores a standard Microsoft Windows, embedded with text editors discloses this claim, *A computer-readable medium, comprising: an existing programming language; and means for extending said existing programming language by adding workflow constructs defined by a second language to said existing programming language.*

As per Claim 15: A standard computer install with the Microsoft windows and its standard text editor disclose the limitation of Claim 15.

As per Claim 16: A standard computer install with the Microsoft windows and its standard text editor and any key or mouse click signals disclose the limitation of Claim 16.

As per Claim 17: A standard computer install with the Microsoft windows and its standard text editor disclose the limitation of Claim 17.

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As per claims 23-28: A standard computer install with the Microsoft windows and its standard text editor, where the editor edits programming files, and where a user has his XML/Java programs stored in the Windows file systems disclose means of Claims 23-28.

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
November 09, 2006


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